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FACSIMILE COVER SHEET

DATE: DECEMBER 21, 2006

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THIS TRANSMITTAL COVER SHEET): 7

OUR REFERENCE: 213373

FROM: BRUCE M. GAGALA
REGISTRATION NO. 28,844

TO: MAIL STOP Amendment
UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313

FACSIMILE NUMBER: (571) 273-8300

IN RE APPLN. OF: MARCU ET AL.
APPLICATION NO. 09/936,449
FILED: DECEMBER 20, 2001
GROUP ART UNIT: 1648
EXAMINER: LE, EMILY M.
DOCKET NO.: 213373 (DHHS Reference No. E-084-1999/0-US-07)

ATTACHED PLEASE FIND THE FOLLOWING DOCUMENTS:

- RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT (3 PAGES)
- COPY OF NOTICE OF NON-COMPLIANT AMENDMENT (3 PAGES)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,449	12/20/2001	Monica G. Marcu	213373	4132

45733 7500 11/28/2006

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EXAMINER

LE, EMILY M

ART UNIT

PAPER NUMBER

1648

DATE MAILED: 11/28/2006
 To: JDA BMB SSM
 LVM 213373, NTH

Please find below and/or attached an Office communication concerning this application or proceeding.

LAH

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DEC 04 2006

PAY/TM Due Date

12/28/06
 5/28/07
 Final

DEC 21 2006

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

09/936,449

Examiner

Emily Le

Applicant(s)

MARCU ET AL.

Art Unit

1648

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 13 September 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

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For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

LAH

PAY/TH Due Date

12/28/06
3/28/07

- Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
- Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

- Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or
- Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

E. Le

Jeffrey S. Parkin, Ph.D.
Primary Patent Examiner
Art Unit 1648

Part of Paper No. 20061121

U.S. Patent and Trademark Office

DEC. 21. 2006 2:37PM

312 616 5700

NO. 3823 P. 7

Application No. 09/936,449

Continuation Sheet (PTOL-324)

Continuation of 4(a): The claim listing is incomplete. The list does not include claims 18-23.

B. Campbell

BRUCE R. CAMPBELL, PH.D
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600